

## **REMARKS/ARGUMENTS**

Claims 1, 12, 23 and 34-36 are pending in the present application. Claims 1, 12 and 23 were amended. No claims were added or canceled. Support for the amendments can be found, for example, on page 9, lines 11-27 of the specification. Reconsideration of the rejection is respectfully requested in view of the above amendments and the following comments.

### **I. 35 U.S.C. § 103, Obviousness: Claims 1, 12, 23 and 34-36**

The Examiner has rejected claims 1, 12, 23 and 34-36 under 35 U.S.C. § 103(a) as being unpatentable over Moore et al., US Patent No. 7,084,737 (hereinafter “Moore”) in view of Walker et al., US Patent No. 7,249,050 (hereinafter “Walker”) and Powell, US Patent No. 5,956,694 (hereinafter “Powell”). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

As per claims 1, 12 and 23, Moore teaches:

A method for providing products, the method comprising:  
receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item *by a user* (see col 5, lines 1-30)

*receiving at the first automatic product/service dispensing machine, a payment device of the user wherein the payment device includes identity information* (see col 5, lines 1-5);

*responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained* (see col 5, lines 1-30; col 7, lines 20-40).

Moore fails to teach:

*requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine; responsive to the user selecting the second automatic product/ service dispensing machine, providing the identity information to the second automatic product/service dispensing machine; and responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting an amount from the price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.* However, Walker teaches vending machines that provide customers with electronic coupons offers of alternative products of said vending machines where said offers are redeemable at a future date and where said offers are written to a magnetic-strip card (see Walker col 15, lines 60-67). Powell teaches redeeming electronic coupons using customers' cards (see Powell abstract; col 6, lines 1-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know

that Moore would be motivated to allow a customer that selects an unavailable item in a first vending machine to store in a Powell's customer card a electronic coupon discount, as taught by Walker in order to compensate said customer for the distress of selecting an unavailable items in said first vending machine when said customer presents said card to an alternate vending machine which carries said unavailable product of said first vending machine.

Office Action dated September 5, 2007, pp 2-4.

Claim 1, as amended herein, is as follows:

1. A method for providing products, the method comprising:
  - receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user;
  - receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information;
  - responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained;
  - requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine;
  - responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine; and
  - responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. §103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Additionally, all limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Therefore, no *prima facie* obviousness rejection can be established if the proposed combination does not teach all of the features of the claimed invention.

In the present case, neither Moore nor Walker nor Powell nor their combination discloses or suggests “requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine”, “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing

machine”, or “responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.”

Moore is directed to a mechanism for notifying a customer of a vending machine at which a desired product is not available of a location of an alternate vending machine at which the product may be obtained. The Examiner acknowledges, and Applicants agree, that Moore does not disclose any of the above steps recited in claim 1. The Examiner, however, cites Walker and Powell as supplying these deficiencies in Moore.

Walker discloses vending machines that provide customers with electronic coupon offers which can be redeemed at a later time. Powell discloses providing customers in a store with a customer card that contains “electronic coupons.” In Powell, a customer may insert the card into a coupon dispensing device to receive a coupon code for a product. When the customer purchases the product, the card can be used to redeem the “electronic coupon” stored in the card.

Claim 1, however, recites that when an item is unavailable at a first automatic product/service dispensing machine, a user is advised of at least one alternative automatic product/service dispensing machine, and is requested “to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine.” Neither Moore nor Walker nor Powell discloses or suggests requesting a user to select an alternative automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine. Moore may provide a customer with a location of an alternate vending machine; however, as recognized by the Examiner, the reference does not request the customer to select an alternative machine among at least one alternative product dispensing machine. Walker may disclose providing a customer with electronic coupons, but also does not request the customer to select an alternative automatic product/service dispensing machine. Powell may teach redeeming electronic coupons in a store, but is unrelated to purchasing products from automatic product/service dispensing machines and also does not disclose requesting a user to select an automatic product/service dispensing machine.

Accordingly, neither Moore nor Walker nor Powell teaches or suggests “requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine” as recited in claim 1.

The references also do not disclose or suggest “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” as recited in claim 1. Although Moore may provide a customer with a location of an alternate vending

machine, and Walker may provide a customer with an electronic coupon that may be redeemed at different locations, neither reference discloses or suggests “providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” responsive to the user selecting the second machine. Not only do the references fail to teach selecting a second product/service dispensing machine as indicated above, the references also fail to disclose or suggest providing identity information [included with a payment device] and notice of a discount value to be given to the user for an item to the second dispensing machine.” None of the references disclose providing any type of information to a second machine responsive to a user selecting the machine, and certainly the references do not disclose or suggest “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” as recited in claim 1.

Yet further, the references do not disclose or suggest “responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.” Although Powell may disclose deducting a value of an electronic coupon stored in a customer card when a product is purchased, the customer card is not a payment device, the customer card is not received at an automatic product/service dispensing machine, and the customer card is not received at an automatic product/service dispensing machine that has been selected by a user and to which identity information and notice of a discount value to be given to the user for an item has been sent.

Because neither Moore, nor Walker nor Powell nor their combination teaches all of the features of the claimed invention recited in claim 1, the Examiner has failed to establish a *prima facie* case of obviousness in rejecting claim 1, and claim 1 patentably distinguishes over the references in its present form.

Independent claims 12 and 23 have been amended in a similar manner as claim 1, and the Examiner has also failed to establish a *prima facie* case of obviousness in rejecting claims 12 and 23 for similar reasons as discussed above with respect to claim 1.

Claims 34-36 depend from and further restrict the independent claims and patentably distinguish over the cited art, at least by virtue of their dependency.

Therefore, the rejection of claims 1, 12, 23 and 34-36 under 35 U.S.C. § 103(a) has been overcome.

**II. Conclusion**

For at least all the above reasons, claims 1, 12, 23 and 34-36 patentably distinguish over the cited art and this application is believed to be in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 5, 2007

Respectfully submitted,

/Gerald H. Glanzman/

Gerald H. Glanzman  
Reg. No. 25,035  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants